

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 8718 of 2005**

Between:

M.S.N. Prasad, S/o. Sri M. Laxminarsaiah,  
Railway Protection Force, Resident of Nizamabad, Nizamabad District.

**..... PETITIONER**

AND

- 1 Union of India Represented by its Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
- 2 The Director General, Railway Protection Force, Rail Bhavan, New Delhi.
- 3 South Central Railway, Represented by its Chief Security Commissioner, Railway Protection Force, Ground Floor, Rail Nilayam, Secunderabad.
- 4 Sri B. Kamal Kumar, S/o. and age not known to the petitioner, Chief Security Commissioner, Railway Protection Force, Ground Floor, Rail Nilayam, Secunderabad.
- 5 M.V.V. Satyanarayana, S/o. and age not known to the petitioner, Contractor, Resident of 6-1-136/3, M, Balaram Colony, Walker Town, Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of a Writ of Mandamus : a) declare the action of the respondents in issuing orders No. X/P.6762/Vol.VII, dated 09-4-2005 of the 3rd respondent and communicated vide Proceedings No. Y/XP. 676/HYB/2005, dated 11-4-2005 of the Divisional Security Commissioner as issued in violation of standing order No. 70, dated 27-9-2004 framed by the 1st respondent and also order No. 99/SEC(E)/CP-1/P, dated 13-8-1999 of the 1st respondent apart from being arbitrary, illegal and issued with mala fide intention; b) Direct the respondents to continue the petitioner in service at Nizamabad.

**Counsel for the Petitioner: MR.P.S.RAJASEKHAR**

**Counsel for the Respondent Nos. 1 to 3: MR.G.S.SANGHI, S.C. for Railways**

**The Court, at the admission stage, made the following :**

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**ORAL ORDER:**

This writ petition is filed seeking a Mandamus to declare the action of the 3<sup>rd</sup> respondent in issuing Order No.X/P.676/2/Vol.VII, dated 9.4.2005 communicated vide Proc. No.Y/XP.676/HYB/2005, dated 11.4.2005 of the Divisional Security Commissioner as issued in violation of Standing Order No.70, dated 27.9.2004 framed by the 1<sup>st</sup> respondent as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for South Central Railway for the respondents 1 to 3 and perused the material on record.

The learned counsel for the petitioner has vehemently contended that at the behest of the 5<sup>th</sup> respondent, the 4<sup>th</sup> respondent effected the transfer even though the petitioner did not complete four years of service which is against the transfer policy. He has further contended that the labour working under the 5<sup>th</sup> respondent committed theft and the petitioner registered a case against them. On that grouse, he influenced the 4<sup>th</sup> respondent to transfer the petitioner. Therefore, he prays to set aside the transfer order.

On the other hand, the learned counsel for the respondents has

contended that the transfer of the petitioner is purely in the interest of administration. Hence, the transfer order does not suffer from any incurable legal infirmities so as to call for interference by this Court.

The first ground raised by the petitioner is that he has not completed four years of his term of service in pursuance of the policy guidelines. As per the Standing Order No.70, dated 27.9.2004, the minimum period of transfer in respect of the members of RPF/RPSF is five years, but as seen from the transfer policy, the maximum tenure is only 5 years and that does not mean he cannot be transferred on administrative reasons. As envisaged in Rule 90 of RPF Rules, 1987 a member of the Force can be transferred from one place to another. The transfer order does not indicate that it has been passed by way of punishment or contrary to the service conditions governing the employees. The further allegation is that the 5<sup>th</sup> respondent brought pressure over the 4<sup>th</sup> respondent due to his financial and political clout and got the petitioner transferred. Except that allegation there is no other allegation stating that the order of transfer is illegal and arbitrary. The details about which the workers of the 5<sup>th</sup> respondent have threatened the staff of the Nizamabad Railway Station and/or on what date or in what manner the 5<sup>th</sup> respondent brought pressure on the 4<sup>th</sup> respondent have not been specifically stated. In the absence of the factual foundation, this Court is of the opinion that the transfer order does not suffer from any legal infirmities so as to call for interference by this Court.

The writ petition is devoid of merits and it shall accordingly stand dismissed. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

20<sup>th</sup> April, 2005

bcj

To

- 1 The Secretary, Union of India, Ministry of Railways, Rail Bhavan, New Delhi.
- 2 The Director General, Railway Protection Force, Rail Bhavan, New Delhi.
- 3 The Chief Security Commissioner, South Central Railway,  
Railway Protection Force, Ground Floor, Rail Nilayam, Secunderabad.
4. Two C.D. copies